

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

V.

FRANCOISE NGELE BUNDU

Defendant

CRIMINAL NO. 05-mc-10209-JLT

GOVERNMENT’S OBJECTION TO COURT’S REPORT AND RECOMMENDATION

The United States of America hereby objects to the Court’s Report and Recommendation in which the Court recommends that the complaint be dismissed, with prejudice.

More specifically, the government does not dispute any of the Court's factual findings but disputes that the facts militate in favor of dismissal with prejudice. Among other things, the Court placed considerable weight on the fact that the probate court matter has been resolved, and expressed concern that a criminal reprosecution would serve only to disrupt or undermine the resolution reached in that matter. However, the parties in that matter were able to reach a resolution *only* because the government, in large part at the defendant's request, and unquestionably with the defendant's assent, agreed to seek to extend the time period in which an indictment otherwise would have to be obtained. The government contends that, were this factor viewed in the proper context, the Court would have concluded that the offense in this case is serious and that a reprosecution of the case would not adversely affect the administration of justice.

Respectfully submitted,

MICHAEL J. SULLIVAN
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By:

/s/ Donald L. Cabell
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